



Direct: (646) 889-1011

The Court thanks Plaintiff's counsel for this letter update and is pleased to learn that an agreement was reached. **The settlement status call previously scheduled for December 4, 2023 at 12:30 p.m. is adjourned sine die.**

Plaintiff shall file letters seeking approval of the settlement agreements by **Friday, December 22, 2023**. The letters shall attach copies of the settlement agreements. The deadlines for the AFS Defendants to answer the SAC are **adjourned sine die**, pending approval of the parties' settlement agreements.

The parties are reminded of their option to consent to my jurisdiction over this action pursuant to 28 U.S.C. § 636(c). If all parties consent, they shall complete the form available at <https://www.nysd.uscourts.gov/forms/consent-proceed-us-magistrate-judge>, and file said form on ECF. This Order is not meant to interfere in any way with the parties' absolute right to have dispositive motions and a trial before a U.S. District Judge.

New York, NY 10007

**SO ORDERED:**RE: 22cv10254 Lapastica v. Auto Filling Services, Inc. et al.

Status Conference Scheduled for December 4, 2023 12:30pm N

*Katharine H Parker*  
**HON. KATHARINE H. PARKER**  
**UNITED STATES MAGISTRATE JUDGE** 12/1/2023

Dear Judge Parker:

As the Court is aware, I represent Plaintiff Aldin Lapastica in the above referenced matter. Pursuant to the Court's order of today's date, time stamped approximately 2:35pm, I write to inform the Court that the parties no longer require the above referenced status conference to be held.

I spoke with Jeremy Rosenberg, counsel for Defendants Auto Filling Services, Inc. and Meir Eisenstadt (collectively "AFS Defendants") and David Binson, counsel for Joel Klein and CPBC, LLC (collectively "Klein Defendants") separately because neither counsel were available to speak with me at the same time. Each counsel confirmed to me separately that they do not have further issues regarding this matter and no longer have a need for a settlement status conference. I also sent a confirmation email to both counsel detailing each of their positions and that I would file this letter to cancel the status conference on 12/4/2023 without further notice to them.

The Parties also respectfully request a date for submission of their respective settlement agreements for approval pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015). The Plaintiff and AFS Defendants further request an adjournment *sine die*, the CPBC of their Answer to the Second Amended Complaint ("SAC") and all other pending proceedings. Your Honor had already adjourned sine die all pending Answers and proceedings for the Klein Defendants on or about October 11, 2023. Thank you.

Respectfully submitted,

/s/ Susan Ghim

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 Susan Ghim, Of Counsel